

REMARKS

Claims 1-16 and 27 remain pending in this reissue application. Claim 12 has been amended to correct a typographical error which occurred in the prior amendment of this claim on November 20, 1995 in reissue application 08/332,423, the parent application to this reissue application.

The amendment to claim 7, filed 11/24/95, was not entered because it did not comply with the requirements of 37 C.F.R. § 1.121(e). Upon reconsideration, Applicants have chosen not to amend this claim as they believe the issued claim complies with the requirements of 35 U.S.C. § 112 in its present form.

The drawings were objected to under 37 C.F.R. § 1.84(p)(5) because they did not include reference numeral "43" which is mentioned in the Description at column 5, line 63. Applicants have submitted a proposed change to Figure 4, indicating the proposed changes in red. Drawings including these proposed changes will be submitted as required following approval by the Examiner.

The Specification was also amended to overcome specific objections raised by the Examiner. In particular, column 5, line 26, was amended, substituting reference numeral 22 for reference numeral 14 and vice versa. Applicants now believe the Specification and Drawings satisfy the requisites of 35 U.S.C. § 112.

Claim 27 was rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this objection. While Applicants' proposed preferred embodiment and the accompanying drawings disclose a system which bends and tempers a glass sheet at the same location, the Specification describes a quench which solves

recognized problems of uniform quenching of bent glass sheets in prior quenches. This problem is specifically recognized by Applicants at column 2, lines 38-42. The disclosure of the additional use of that structure to first bend the glass sheet in the same location prior to quenching should not be construed to limit Applicants' otherwise clearly enabling disclosure of the claimed deformable quench. For these reasons, as well as for the reasons given in Applicants' previous responses filed in connection with parent reissue applications serial nos. 08/002,090; 07/775,418; and 08/332,423, Applicants believe that there is adequate support in the Specification for a movable quench such as is claimed in claim 27. For these reasons, claim 27 is believed to satisfy the requisites of 35 U.S.C. § 112, first paragraph.

*states they have a glass in spec but not claim*

*see above*

Claims 1-16 and 27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 12, as amended, has addressed the specific objection raised by the Examiner, and is now believed to satisfy the requisites of § 112.

Applicants respectfully traverse this rejection with regards to claims 1-11, 13-16 and 27. In particular, claims 2, 3, and 5 are believed to particularly point out and distinctly claim Applicants' invention including, in particular, that the actuator of claim 1 includes a plurality of devices. The subsequent reference of these devices as actuator devices is believed to be perfectly clear to those of ordinary skill in the art.

*not clear they are the same devices*

Claim 6 is similarly believed to satisfy the requisites of § 112. The claim describes a pair of "opposed bending platens at upper and lower locations." The subsequent reference of one platen as being the upper platen and another platen as being the lower platen is clear and unambiguous in this context. Similarly, claims 7 and 11 describe movement of the heated glass sheet "during the

*no rec'tt there unclear*

bending and quenching." Claim 1, upon which claims 7 and 11 are dependent, describes "means for supplying quenching gas to the quench openings of both platens and thereby both sides of the glass sheet. This subsequent reference to quenching in claims 7 and 11 is clear and definite under these circumstances.

no basis  
for  
quenching  
only  
tempering

In claim 15, the word "platen" at line 21, is part of a clause beginning with "; said lower platen including" (at lines 18-19). As such, it is believed that the subsequent reference to platen is clear.

OK

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bocelli et al. (4,540,425). Claim 6 was also rejected, under 35 U.S.C. § 103 as being obvious in view of the teaching of Bocelli. Bocelli discloses an apparatus for bending and tempering glass sheets which include a series of horizontal rolls which can be adjusted from a single plane of conveyance to conform to a template of desired curvature to bend the glass sheets about a radius of curvature that is transverse to the direction of conveyance. Bocelli does not disclose or suggest any movement of the rolls to a different shape while glass is being processed therebetween. In fact, Bocelli teaches away from Applicants' invention at least for the reason that it discloses an apparatus for bending a glass sheet about an axis of curvature that is transverse to the direction of conveyance. As such, in contrast to Applicants' claimed system, the potential shapes which could be obtained with the Bocelli system are limited to those shapes (such as cylindrical portions) which can be conveyed on the rollers in the direction transverse to the radius of curvature of the bent glass. For these reasons, claims 1 and 6 are both believed to be patentably distinguishable over the cited art.

irrelevant -  
not claimed

irrelevant -  
not claimed

Claim 27 was rejected under 35 U.S.C. § 102(b) as being anticipated by Cheron '752. Cheron discloses an apparatus for tempering glass which includes upper and lower quench sections including a series of articulated sections which extend transverse to the direction of conveyance of the

glass and which may be adjusted by use of a series of bellcranks to roughly orient the sections in the shape of the arcuate portions of the bending rollers. Cheron does not disclose or suggest Applicants' claimed tempering apparatus which includes longitudinally extending spaced-apart quench tubes and an actuator connected to the quench tubes for moving the quench tubes as a glass sheet is bent to a desired shape to conform the tubes to the shape of the bent glass sheet. Nor does Cheron disclose or suggest means connected to the movable quench tubes for movably engaging the glass sheet. For these reasons, Applicants' claimed quench is believed to be patentably distinguishable over the cited art.

yes  
he does

OK

The Reissue Oath or Declaration filed with this application was objected to as defective because it failed to particularly specify the errors relied upon, as required, under 37 C.F.R. § 91.175(a)(5). Claims 1-16 and 27 were also rejected as being based upon a defective Reissue Oath/Declaration under 35 U.S.C. § 251. Applicants are submitting herewith a Declaration, Power of Attorney, and Sixth Substitute Reissue Declaration. This Declaration, Power of Attorney, and Sixth Substitute Reissue Declaration particularly specifies the errors and how the errors relied upon arose prior to, as well as during, the prosecution of each of the reissue applications filed in connection with Applicants' '527 patent up through and including the Amendment made herein.

Applicants traverse this rejection insofar as it is based upon the contention that claim 27 is directed to an invention different from that of the patent. Applicants' claimed quench is fully supported by the specification for the reasons explained in Applicants' prior amendments filed in connection with parent reissue application serial nos. 08/332,423; 08/002,090; and 07/775,418, particularly the amendment filed on April 12, 1994 (in connection with reissue application serial no. 08/002,090). Despite the fact that Applicants' primary disclosure deals with the preferred

irrelevant  
whether it is  
supported or  
not - these are  
diff from  
prior art which is  
not proper

embodiment of the present bending and tempering system wherein the improved quench is located in that portion of the template where the glass sheet is bent, Applicants believe the specification supports Applicants' claimed quench without these limitations of the preferred embodiment.

In summary, reconsideration and allowance of claims 1-16, and 27, is respectfully solicited.

The Examiner is urged to contact the undersigned attorney by telephone to discuss any matters pertaining to this reissue application if he believes it will be useful in expediting this application.

Respectfully submitted,

HAROLD A. McMASTER ET AL

BROOKS & KUSHMAN P.C.

A handwritten signature in cursive script, reading "Earl J. LaFontaine". The signature is written in dark ink and is positioned above a horizontal line.

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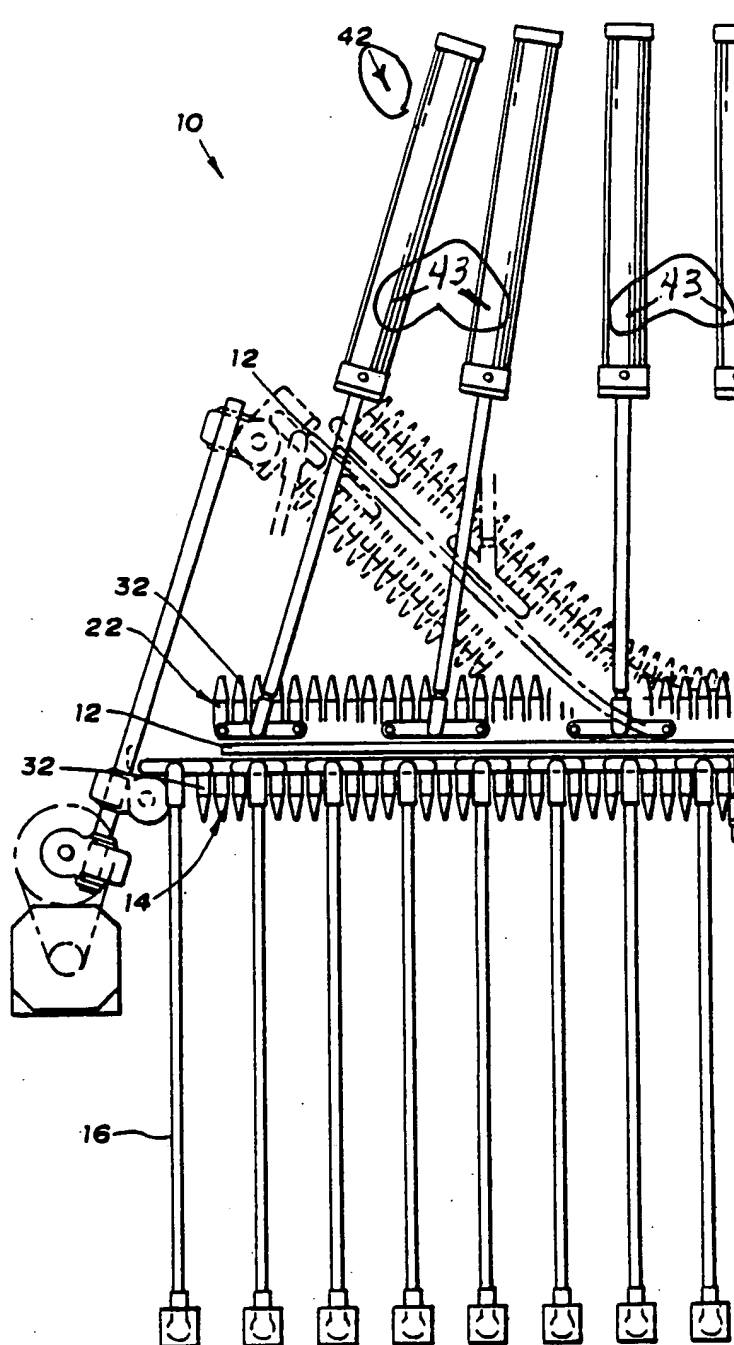


Fig. 4